THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

Writ Petition No.17491 of 2005

08.12.2005

Between

R.Mohanudu

PETITIONER

AND

The Joint Collector, Chittoor, Chittoor District and others.

RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

Writ Petition No.17491 of 2005

ORDER:

This writ petition has been filed by R.Mohanudu assailing the action of the first respondent in not granting interim relief, pending revision petition being R.P.No.H6/37/2005.

The brief facts of the case giving raise to filing of this writ petition are:-

The third respondent filed an appeal against the orders of the Mandal Revenue Officer whereunder the pattadar pass book and title deed came to be issued in the name of the petitioner in respect of land bearing Survey No.85/1 of Thoompayanapalle, Thumbakuppam village, Bangarupalyam Mandal, Chittoor District admeasuring Ac.3.52 cents. The appellate authority-Revenue Divisional Officer, Chittoor on hearing both the parties, set aside the order of the Mandal Revenue Officer with regard to issuance of pattadar pass book and title deed in favour of the petitioner. A further direction has been issued to the Mandal Revenue Officer to submit proposals to the Joint Collector, Chittoor for cancellation of D-form patta issued in favour of the petitioner. The relevant portion of the order passed by the Revenue Divisional Officer (appellate authority) reads as follows:-

> "I have perused all the records put forth before me. The land in question i.e., S.No.85/1 extent 3.52 acres of Thumpayanapalle village is Government land assigned to Sri Kakarla Subba Naidu vide DKT No.1378/4/1374 dt.13/01/62. After the death of the assignee, the land was said to be under the possession of the Appellant basing on the will said to be written by the original assignee in his favour. The then Mandal Revenue Officer, Bangarupalyam without cancelling the original DKT Patta issued in favour of Kakarla Subba Naidu has granted DKT Patta for the above land in favour of R.Mohanudu, the respondent in this case. The Respondent has obtained Pattadar Pass Book and title deed for the above land in his favour basing on the DKT Patta issued to him. It clearly shows that the then Mandal Revenue Officer, Bangarupalyam has not followed the procedure as laid down in the Act. He has assigned the land which is in the name of Kakarla Subba Naidu without cancelling the Patta and without resuming the

land to Government. Hence it is construed that the Mandal Revenue Officer has done a mistake while assigning the land to the Respondent.

In view of the above facts, the Mandal Revenue Officer, Bangarupalyam is directed to submit proposals to the Joint Collector, Chittoor for cancellation of 'D' Form Patta issued in favour of R.Mohanudu son of Raju Maistry for the lands in S.No.85/1 extent 3.52 acres of Thumpayanapalle Village vide DKT No.89/4/1403 dt.31.10.93."

Assailing the said order of the Revenue Divisional Officer-appellate authority, the petitioner filed revision petition before the Joint Collector, Chittoor under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971. He also moved an application seeking stay of the proceedings of the appellate authority, pending disposal of the revision petition. Since no interim orders have been passed on the said application, the petitioner has chosen to approach this Court by invoking powers under Article 226 of the Constitution of India with the prayer stated supra.

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

The learned counsel for the petitioner submits that the petitioner has been in possession and enjoyment of the property in question and he has obtained interim injunction against the third respondent in the civil Court and thus if the order passed by the Revenue Divisional Officer is not stayed, pending disposal of the revision petition, the very purpose of filing the revision petition would be defeated.

The learned counsel appearing for the third respondent submits that when the father-in-law of the petitioner tried to interfere with the possession of the third respondent, a suit came to be filed and the said suit ended in decree.

There seem to be multiplicity of proceedings between the parties. The nature of the proceedings and the result of the said proceedings

are not required to be dealt with. A fact is required to be noted that the appeal before the Revenue Divisional Officer was with regard to issuance of pattadar pass book in favour of the petitioner. While setting aside the order of the Mandal Revenue Officer, the Revenue Divisional Officer proceeded further in directing the Mandal Revenue Officer to send proposals to the Joint Collector, Chittoor for cancellation of 'D' Form patta. If the Mandal Revenue Officer sends proposals to the Joint Collector, Chittoor as directed in the order of the appellate authority for cancellation of assignment in favour of the petitioner, the very purpose of the revision petition would be defeated.

In that view of the matter, I deem it appropriate to suspend the direction given by the appellate authority to the Mandal Revenue Officer to submit proposals to the Joint Collector, Chittoor for cancellation of 'D' Form Patta issued in favour of the petitioner, pending disposal of the revision petition. The revisional authority shall dispose of the revision petition as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. The interim order, dated 09.08.2005, passed by this Court in W.P.M.P.No.22270 of 2005 is modified accordingly.

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08.12.2005

Note: Issue CC in one week.

(b/o)

VGB